

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RESAT NURI OTUS,  
Plaintiff,

v.

BAY CLUB COMPANIES, LLC, et al.,  
Defendants.

Case No. [19-cv-00424-SI](#)

**ORDER DISMISSING PLAINTIFF'S  
AMENDED COMPLAINT**

Re: Dkt. No. 5

On January 24, 2019, plaintiff filed a complaint and motion for leave to proceed *in forma pauperis*. Dkt. No. 1. The Court granted plaintiff's request to proceed *in forma pauperis*, but dismissed the complaint with leave to amend, finding no jurisdiction over the matter as neither a federal question nor diversity among the parties existed on the face of the complaint. Dkt. No. 4.

On January 31, 2019, plaintiff filed an amended complaint which appears to be identical to the original complaint except "Amended" has been written on the cover page. Dkt. No. 5. Under 28 U.S.C. § 1915(e)(2), a court must dismiss a complaint filed *in forma pauperis* which, liberally construed, fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B); *Marks v. Slocum*, 98 F.3d 494, 495 (9th Cir. 1996) (*per curiam*); *Franklin v. Murphy*, 745 F.2d 221, 1226-27 n.5 (9th Cir. 1984). Construed liberally in his favor, plaintiff's amended complaint fails to allege facts sufficient to state a claim. Specifically, to file suit in federal court, a plaintiff must invoke federal jurisdiction. Generally, this means filing a case that involves a question of federal law, or in which the parties are from different states and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. 1331 and 1332(a). Here, it is not clear what federal claim plaintiff is alleging or whether there is any reason for this case to be in federal court. Plaintiff has not articulated a federal question in his amended complaint, nor has plaintiff attempted to demonstrate jurisdiction on the basis of diversity.

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If plaintiff wishes to proceed with this lawsuit he may do so in state court. However, he has demonstrated no federal jurisdiction for his claims, and they are therefore dismissed.

The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: April 17, 2019



SUSAN ILLSTON  
United States District Judge